

In the County Court

App. (A)

CAUSE NO. County, Florida

STATE OF FLORIDA

vs.

BURT BEETES

Defendant

WARRANT

72-CF-175

Address

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA  
TO ALL AND SINGULAR THE SHERIFFS OF THE STATE OF FLORIDA

WHEREAS, a complaint has this day been filed before me by  
at between May 28, 1981 and June 1, 1981  
who, being first duly sworn, says that on the  
in Baitchen County, Florida, the said defendant

did then and there unlawfully kill a  
disobeying his orders, and being so, the said  
of the State of Florida, for the purpose of  
and with the intent to kill the said  
for which he is now being held in custody  
the death of said defendant, and the said  
contrary to section 872.01, Florida Statutes

contrary to the statute, rule, regulation or other provision of law in such case made and provided, and against the  
peace and dignity of the State of Florida.

THESE ARE THEREFORE, to command you to arrest instant the person named above and bring him  
before me to be dealt with according to law.

Given under my hand and seal this 10th day of December 1981

BOTH SEITTS and JOHNSON had been previously involved in a sexual assault in Deon County where the victim was left alive. ANDREW WELCH and SEITTS testified against JOHNSON at Trial. SEITTS testified in JOHNSON'S defense and JOHNSON was convicted only of false imprisonment. JOHNSON was out on bond at the time of the murder by Clarence Sanders. JOHNSON had known Clarence Sanders in school.

Don Smith and Norman were subsequently arrested for armed robbery in 1940. Don Smith, a. 1941 and were later convicted and sentenced to State Prison.

Investigators with the Office of State Attorney and the  
Florida Department of Law Enforcement traveled to Union Correctional  
Institution and interviewed defendant, SORRIS.

[illegible][illegible]

and swore to a written statement:

[illegible]

## CONTINUED - SUMMARY OF OFFENSE AND PROBABLE CAUSE

identified the car, a 1976 white and blue Pontiac, as the vehicle used by JOHNSON and himself in committing the rape and murder.

Chemical examination of the jacket by the FBI Laboratory and by the New York State Police Laboratory indicated the presence of blood.

Additional witnesses corroborated that the victim was picked up, the rape and murder committed, and the victim disappeared.

TO: FIRST APPEARANCE MAGISTRATE

DEFENDANT: BURT SETTS

DATE: 9/1/81

CHARGES: MURDER - FIRST DEGREE

SUMMARY OF OFFENSE AND PROBABLE CAUSE INFORMATION

THE ABOVE NAMED DEFENDANT WAS ARRESTED FOR THE FOLLOWSING PERSONS:

Eleanora Sanders, who was also known by the name of Eleanora Sanders

last seen alive on May 28, 1981 after her disappearance.

Andrews Park in Quincy, Florida. She was reported missing on May 28, 1981

and on June 5, 1981, her body and a small black bag containing a small amount of

found in a wooded area near the Andrews Park in Quincy, Florida.

in the North of Quincy in Graham County, Florida. It was reported that

that the head of the body had a fractured skull.

It was reported that the body was found by a person who was

working in the area of the park.

The body was found in a wooded area near the Andrews Park in Quincy, Florida.

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App. (b)

IN THE CIRCUIT COURT OF THE  
SECOND JUDICIAL CIRCUIT, IN AND  
FOR GADSDEN COUNTY, FLORIDA.

FELONY CASE NO. 82-412A

STATE OF FLORIDA

-vs-

BURT SETTS,

Defendant.

Reporter's transcribed notes of proceedings had on  
January 18, 1983, in the Gadsden County Courthouse at  
Quincy, Florida; the Honorable Ben C. Willis, judge of  
the above Court, presiding.

APPEARANCES: For the State:

NEAL G. WADE, Esq.  
Assistant State Attorney  
14 West Washington Street  
Quincy, Florida 32351

For the Defendant:

GORDON B. SCOTT, Esq.  
Assistant Public Defender  
26 North Adams Street  
Quincy, Florida 32351

Also Present:

The Defendant, Burt Setts.

JOHN DAY, Probation Officer  
Department of Corrections  
Quincy, Florida 32351

PRISCILLA WILLIAMS  
OFFICIAL COURT REPORTER  
OFFICIAL CIRCUIT OF FLORIDA

1 [THEREUPON, THE FOLLOWING PROCEEDINGS WERE HAD  
2 ON JANUARY 18, 1983, IN OPEN COURT, AT 2:30 P.M.];

3 THE COURT: All right, what else do we have?

4 MR. WADE: Your honor, the next matter we have  
5 to bring before the court is regarding State of  
6 Florida versus Burt Setts, Case No. 82-412.

7 THE COURT: What's the name?

8 MR. WADE: Burt Setts.

9 THE COURT: What's that a charge of?

10 MR. WADE: Mr. Setts is charged by Information and  
11 is present before the court with the offenses of  
12 Second Degree Murder and Sexual Battery. He was  
13 originally arrested upon a warrant issued by this  
14 court for First Degree Murder. Mr. Setts appears  
15 before the court for the purpose of entering a plea  
16 pursuant to a plea agreement which requires, among  
17 other things, his cooperation and testimony against  
18 his co-defendant, Willie Jackson Johnson.

19 There is a written plea agreement that the  
20 parties intend to sign before the court and then  
21 file with the court.

22 THE COURT: Mr. Scott?

23 MR. SCOTT: At this time, your honor, we would  
24 waive the reading of the Information and enter a plea  
25 of Guilty to Count One and Guilty to Count Two, in

4

1 Case No. 82-412.

2 It is further the understanding of my client  
3 that there is no discussion or negotiation as to  
4 sentence in this matter; and that this plea is being  
5 entered after a very thorough investigation by the  
6 office of the Public Defender, after the client  
7 has been advised as to the various ramifications  
8 of this matter. So at this time, we are entering  
9 this plea, judge.

10 THE COURT: He's now charged with Second  
11 Degree Murder?

12 MR. WADE: Yes, sir.

13 THE COURT: And Sexual Battery, in Count Two?

14 MR. WADE: Yes, sir.

15 THE COURT: And you are entering a plea to what?

16 MR. SCOTT: Of Guilty to Count One and Guilty  
17 to Count Two.

18 THE COURT: Guilty, to both counts?

19 MR. SCOTT: Yes, sir.

20 THE COURT: Murder Two is a life felony, is it  
21 not?

22 MR. SCOTT: That's correct, your honor.

23 THE COURT: And which sexual battery is he  
24 charged with?

25 MR. SCOTT: Life sexual battery.

5  
1 THE COURT: Mr. Setts, you are entering a plea  
2 of guilty to two charges, each of which is a life  
3 felony; that is, you could get a life sentence for  
4 it. One is Murder in the Second Degree and the other  
5 is Sexual Battery.

6 Now, what is the contract?

7 MR. WADE: Your honor, there is a written  
8 agreement for plea. We intend to file the original  
9 with the court. I believe Mr. Setts has had an  
10 opportunity to review it?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Well, what is it, that he will  
13 cooperate in the prosecution of his co-defendant?

14 MR. WADE: Yes, sir. Specifically, the State  
15 and the defendant have agreed that the defendant,  
16 Burt Setts, in lieu of being prosecuted for First  
17 Degree Murder, is to be permitted to enter a plea  
18 of Guilty to Second Degree Murder and Sexual  
19 Battery.

20 Two, that there are no agreements or under-  
21 standings as to what sentence shall be imposed; and  
22 it is understood that the court has the power to  
23 retain jurisdiction over any parole of the defendant  
24 for up to one-third of any sentence imposed.

25 Three, that the defendant is to cooperate fully



6  
1 with the prosecution of his associate and co-defendant,  
2 Willie Jackson Johnson; and agrees to give truthful  
3 testimony, without need of a subpoena, in any  
4 Grand Jury proceeding, hearing or trial in connection  
5 with the prosecution of Johnson.

6 Four, the defendant has previously provided  
7 truthful testimony in a statement given to law  
8 enforcement on September 22, 1982, and sworn to  
9 on November 29, 1982.

10 Five, should the defendant Burt Setts fail to  
11 live up to the instant agreement and testify  
12 truthfully, his plea under said agreement is,  
13 upon motion of the State, to be set aside by  
14 the court, and the defendant thereafter prosecuted  
15 to the fullest extent of the law.

16 Six, the defendant waives any objection based  
17 on speedy trial, and agrees that all statements  
18 made by him pursuant to this agreement may be used  
19 against him, should his plea later be set aside.

20 THE COURT: Mr. Setts, do you understand all  
21 of that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: What are your facts involved here?

24 MR. WADE: Your honor, the evidence of the  
25 State at trial of Mr. Setts's case would show that

7

1 between the 28th of May, 1981, and the 5th of June,  
2 1981, one Eleniece Sanders, who was also known by  
3 the nickname of "Moosie," was raped and murdered  
4 in Gadsden County, Florida.

5 Specifically, the evidence would show that  
6 Eleniece Sanders was seen alive last on May 28th,  
7 after her sister dropped her off at Andrew's Patio  
8 in Quincy, Florida. Two citizens later saw her in  
9 the company of this defendant and Willie Jackson  
10 Johnson in a vehicle being operated by Mr. Setts;  
11 and that was the last place she was seen alive.  
12 She was later found, that is, her nude and rather  
13 severely decomposed remains were found in a wooded  
14 area in Gadsden County on the 5th of June, 1981.  
15 Autopsy revealed, among other findings, that the  
16 deceased female had a fractured skull. The head  
17 itself was severed from the rest of the body.

18 Following a lengthy investigation and based  
19 on information investigators received, they  
20 interviewed Mr. Setts. Mr. Setts, in a sworn  
21 statement after he had been advised of his rights,  
22 confessed to his participation in the rape and the  
23 killing. He also pointed out to the investigators  
24 the location where the killing occurred and the  
25 location where the body had been concealed. That

1 matched what the investigators had previously found  
2 to be the case when they initially responded to  
3 the discovered body. He also pointed out one of  
4 the items used in effecting her death, that being  
5 the automobile jack from his mother's car.

6 Chemical examination of that jack indicated  
7 the presence of blood.

8 The motive for the killing, the evidence would  
9 show, was to prevent the young girl from identifying  
10 the persons who raped her and reporting the rape  
11 which occurred in the same place where she was  
12 killed.

13 All of these events occurring in Gadsden County,  
14 Florida, and Ma Sanders being at the time of her  
15 rape and murder some twenty years of age.

16 THE COURT: Is that the evidence you would be  
17 confronted with at trial?

18 MR. SCOTT: That's correct, your honor.

19 MR. WADE: Your Honor, also as a portion of the  
20 factual basis, the State would submit a xerox copy  
21 of a sworn statement taken from Mr. Setts regarding  
22 his participation in those crimes and the events  
23 that transpired.

24 THE COURT: Mr. Setts, you are proposing to  
25 enter a plea of guilty to a charge of Murder in the

1 Second Degree, which is a crime carrying a maximum  
2 of life imprisonment. Also, the crime of Sexual  
3 Battery, which is a crime carrying a maximum of life  
4 imprisonment. And the court would also have the  
5 authority to retain jurisdiction of one-third of  
6 that time. I think some recent case says that  
7 would have to be considered as a first-degree  
8 felony for that purpose. But the court could  
9 retain jurisdiction to review any probation or any  
10 parole; that is, it could retain jurisdiction for  
11 a third of the sentence, to control any parole.  
12 Do you understand that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Are you entering this plea freely  
15 and voluntarily?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Do you understand fully that you  
18 could get two consecutive life sentences?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: And that the court could retain  
21 jurisdiction for at least twenty years?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Has anybody made any threats to  
24 you, in connection with this case?

25 THE DEFENDANT: No, sir.

1 THE COURT: Or any promises, other than what's  
2 been mentioned here?

3 THE DEFENDANT: No, sir.

4 THE COURT: Are you satisfied with your lawyer's  
5 advice?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: And do you know it's entirely up  
8 to me, and that there will not be any trial, as to  
9 what's done with you?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right, I'll accept the plea  
12 and refer it for presentence investigation.

13 MR. WADE: Your honor, there are just two or  
14 three other matters prior to closing this hearing  
15 or terminating it.

16 One, I'd request that the court inquire of  
17 Mr. Setts as to whether or not he's on any medication  
18 or has consumed anything that would affect his  
19 judgment at this time.

20 And, two, that he understands that he is entitled  
21 to a trial by jury wherein witnesses could be called  
22 on his behalf, and that he is waiving that.

23 THE COURT: Well, have you explained all that  
24 to him?

25 MR. SCOTT: Yes, I have, your honor.

THE COURT: You do understand, Mr. Setts, that you could have a trial?

THE DEFENDANT: Yes, sir.

THE COURT: And there will not be a trial, and you're waiving that now?

THE DEFENDANT: Yes, sir.

THE COURT: Are you on any drugs, alcohol or anything at this time?

THE DEFENDANT: No, sir.

THE COURT: Is there any reason your mind isn't clear?

THE DEFENDANT: No, sir.

THE COURT: And you've discussed this with him?

MR. SCOTT: Thoroughly, your honor.

THE COURT: All right, I'll accept the plea.

MR. WADE: Your honor, I'd ask at this time that Mr. Setts proceed to sign the plea agreement that we've discussed and that he's approved.

THE COURT: Have you read that?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand it?

THE DEFENDANT: Yes, sir.

THE COURT: All right, sign it, if you wish.

[THEREUPON, THE DEFENDANT SIGNED A DOCUMENT.]

MR. SCOTT: If the court please, arising out of



1 this matter today, there will be a problem, and I  
2 didn't know whether the court would want to resolve  
3 it at this time. The co-defendant is presently in  
4 prison. I assume that a warrant will be issued.  
5 He will need counsel, and it's going to be a conflict  
6 matter in our office. I've discussed it with Mr.  
7 Allen, and we're having difficulty at this time  
8 trying to find somebody who is capable enough to  
9 handle it. But if I can get an early order appointing  
10 a special public defender --

11 THE COURT: As soon as Mr. Allen submits one,  
12 I'll sign it.

13 MR. SCOTT: All right, sir.

14 MR. WADE: Your honor, what we would intend to  
15 do is, at the time that any warrant or capias is  
16 issued, to likewise inform the court of the need to  
17 have counsel appointed for him.

18 THE COURT: Well, just consider that the public  
19 defender -- is he indigent?

20 MR. SCOTT: Yes, your honor. He was represented  
21 by our office within the last year.

22 THE COURT: Oh, he was?

23 MR. WADE: In Leon County. Since that time,  
24 he's been in prison.

25 THE COURT: All right. Well, I'll commit myself

1 to declare him indigent and appoint the public  
2 defender, and then Mr. Allen can submit to me the  
3 conflict.

4 MR. SCOTT: Yes, sir.

5 THE COURT: And I'll sign the order.

6 MR. SCOTT: Thank you, your honor.

7 THE COURT: Any other matters?

8 MR. WADE: Nothing further, your honor. We  
9 would ask that Mr. Setts be remanded to Apalachee  
10 Correctional Institution, where he's currently  
11 incarcerated with a detainer for Gadsden County,  
12 until such time as the case is set for sentencing.

13 THE COURT: All right, let him be returned  
14 to Apalachee.

15 MR. DAY: Your honor, can we ask that he remain  
16 in the county jail just long enough for us to  
17 interview him, within the next couple of days?

18 THE COURT: Can you do it this afternoon?

19 MR. DAY: Yes, sir, I think so.

20 THE COURT: You've got till midnight.

21 MR. DAY: Yes, sir, thank you.

22 THE COURT: All right.

23 [THEREUPON, THE PROCEEDINGS WERE ADJOURNED

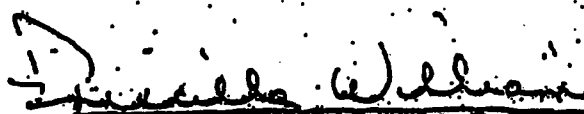
24 AT 3:47 P.M.)  
25

1 STATE OF FLORIDA )  
2 COUNTY OF GADSDEN )  
3

4 CERTIFICATE OF OFFICIAL COURT REPORTER

5  
6 I, PRISCILLA WILLIAMS, Registered Professional  
7 Reporter, Notary Public, State of Florida at large,  
8 and Official Court Reporter, Second Judicial Circuit  
9 of Florida, do hereby certify that I was authorized  
10 to and did report the foregoing proceedings at the  
11 time and place and in the cause indicated in the  
12 caption; that I later reduced the same to typewriting  
13 or had the same reduced to typewriting under my  
14 personal supervision and that the foregoing Pages 1  
15 through 13, inclusive, constitute a true and correct  
16 transcription of my shorthand notes of such proceedings  
17 had before me.

18 WITNESS my hand and seal at Quincy, Florida,  
19 this 4th day of June, 1984.  
20

21  
22  (SEAL)  
23 PRISCILLA WILLIAMS, R.P.R.  
24 Official Court Reporter  
25 Gadsden County Courthouse  
Quincy, Florida 32351

82-412 CASE NO.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL  
CIRCUIT, IN AND FOR GADSDEN  
COUNTY, FLORIDA.

THE STATE OF FLORIDA 1983 JAN 18 PM 3:02

**vs.**

BURT SETTS,

**Defendant(s) .**

## INFORMATION

CT. I: MURDER - 2ND DEGREE  
CT.II: SEXUAL BATTERY

**INFORMATION FOR:**

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF FLORIDA:

DONALD S. MODESITT, State Attorney for the Second Judicial Circuit of the State of Florida, charges that in Gadsden County, Florida, the above named defendant(s), on or between May 28, 1981 and June 5, 1981

did then and there unlawfully kill a human being, Eleniece Sanders, also known as "Moosie", by striking her with a blunt object or by other means not specifically known, said killing being perpetrated by an act imminently dangerous to another, and evincing a depraved mind regardless of human life, although without any premeditated design to effect the death of any particular individual, contrary to Section 782.04(2), Florida Statutes.

COUNT II: And Donald S. Modesitt, as State Attorney aforesaid, further information makes that BURT SETTS, of the County of Gadsden and State of Florida, on or between May 28, 1981 and June 5, 1981, in the County of Gadsden and State of Florida, did then and there with intent to attain sexual arousal or gratification unlawfully commit a sexual battery upon Eleniece Sanders, also known as "Moosie", a female over the age of eleven (11) years, to-wit: twenty (20) years of age, by vaginal penetration by, or union with, the sex organ of another without the consent of Eleniece Sanders, also known as "Moosie", and in the process thereof used a deadly weapon, to-wit: a blunt object, or used actual physical force likely to cause serious personal injury, contrary to Section 794.011(3), Florida Statutes.

STATE OF FLORIDA  
COUNTY OF GADSDEN

DONALD S. MODESITT, STATE ATTORNEY  
SECOND JUDICIAL CIRCUIT OF FLORIDA,  
IN AND FOR GADSDEN COUNTY.

Personally appeared before me, Donald S. Modesitt, State Attorney for the Second Judicial Circuit of the State of Florida, in and for Gadsden County, or his designated Assistant State Attorney, who, being first duly sworn, says that the allegations as set forth in the foregoing INFORMATION are based upon facts that have been

**STATE ATTORNEY or**

App. (d)

☐ PROBATION VIOLATOR  
(Check if Applicable)

IN THE CIRCUIT COURT, Second  
JUDICIAL CIRCUIT, IN AND FOR  
Gadsden COUNTY, FLORIDA

DIVISION \_\_\_\_\_

CASE NUMBER 82-CF-412-A

STATE OF FLORIDA

—VS—

Burt Letts  
Defendant

### JUDGMENT

The Defendant, Burt Letts, being personally before this  
Court represented by Gordon Scott, Asst. Public Defender, his attorney of record, and having:

- (Check Applicable Provision)
- ☐ Been tried and found guilty of the following crime(s)
  - ☒ Entered a plea of guilty to the following crime(s)
  - ☐ Entered a plea of nolo contendere to the following crime(s)

COUNT	CRIME	OFFENSE STATUTE NUMBER(S)	DEGREE OF CRIME	CASE NUMBER
<u>1</u>	<u>Murder - 2nd Degree</u>	<u>782.04(2)</u>	<u>LF</u>	
<u>2</u>	<u>Sexual Battery</u>	<u>794.011(3)</u>	<u>LF</u>	

and no cause having been shown why the Defendant should not be adjudicated guilty, IT IS ORDERED THAT the Defendant is hereby ADJUDICATED GUILTY of the above crime(s).

.....

\$15.00

The Defendant is hereby ordered to pay the sum of ~~ten dollars (\$10.00)~~ pursuant to F.S. 960.20 (Crimes Compensation Trust Fund). The Defendant is further ordered to pay the sum of two dollars (\$2.00) as a court cost pursuant to F.S. 943.25(4).

- ☐ The Defendant is ordered to pay an additional sum of two dollars (\$2.00) pursuant to F.S. 943.25(8).  
(This provision is optional; not applicable unless checked).

1a

Imposition of Sentence  
Stayed and Withheld  
(Check if Applicable)

☐ The Court hereby stays and withholds the imposition of sentence as to count(s) \_\_\_\_\_ and places the Defendant on probation for a period of \_\_\_\_\_ under the supervision of the Department of Corrections (conditions of probation set forth in separate order.)





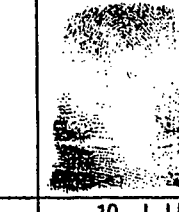




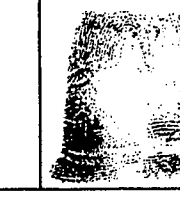
Sentence Deferred  
Until Later Date  
(Check if Applicable)

☐ The Court hereby defers imposition of sentence until \_\_\_\_\_ (date)

The Defendant in Open Court was advised of his right to appeal from this Judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The Defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

Paul E. Willis  
JUDGE

## FINGERPRINTS OF DEFENDANT

1. R. Thumb 	2. R. Index 	3. R. Middle 	4. R. Ring 	5. R. Little 
6. L. Thumb 	7. L. Index 	8. L. Middle 	9. L. Ring 	10. L. Little 

Fingerprints taken by:

R. Breeder Deputy Sheriff  
Name and Title

DONE AND ORDERED in Open Court at Gadsden County, Florida, this 18th day of October, A.D., 1983. I HEREBY CERTIFY that the above and foregoing fingerprints are the fingerprints of the Defendant, Burt Setta and that they were placed thereon by said Defendant in my presence in Open Court this date.

Paul E. Willis  
JUDGE



Defendant

Burt Setts

Case Number

82-CF-412-A**SENTENCE**(As to Count 1)The Defendant, being personally before this Court, accompanied by his attorney, Gordon Scott

\_\_\_\_\_, and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

☐ and the Court having on \_\_\_\_\_ (date) deferred imposition of sentence until this date.

(Check either provision if applicable)

☐ and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein,

## IT IS THE SENTENCE OF THE LAW that:

☐ The Defendant pay a fine of \$ \_\_\_\_\_, plus \$ \_\_\_\_\_ as the 5% surcharge required by F.S. 960.25.

☒ The Defendant is hereby committed to the custody of the Department of Corrections

☐ The Defendant is hereby committed to the custody of the Sheriff\* of \_\_\_\_\_ County, Florida  
(Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

☐ For a term of Natural Life

☒ For a term of 75 years

☐ For an indeterminate period of 6 months to \_\_\_\_\_ years.

☐ Followed by a period of \_\_\_\_\_ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

If "split" sentence complete either of these two paragraphs

☐ However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

**SPECIAL PROVISIONS**

By appropriate notation, the following provisions apply to the sentence imposed in this section:

Firearm — 3 year mandatory minimum

☐ It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.

Drug Trafficking — mandatory minimum

☐ It is further ordered that the \_\_\_\_\_ year minimum provisions of F.S. 893.135(1)( ) ( ) are hereby imposed for the sentence specified in this count.

Retention of Jurisdiction

☒ The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of 25 years. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.

Habitual Offender

☐ The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.

Jail Credit

☒ It is further ordered that the Defendant shall be allowed a total of 304 days credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Defendant Burt Setts  
 Case Number 82-CF-412-A

## SENTENCE

(As to Count 2)

The Defendant, being personally before this Court, accompanied by his attorney, Gordon Scott

and having been adjudicated guilty herein, and the Court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why he should not be sentenced as provided by law, and no cause being shown,

- (Check either provision if applicable)
- ☐ and the Court having on \_\_\_\_\_ (date) deferred imposition of sentence until this date.
- ☐ and the Court having placed the Defendant on probation and having subsequently revoked the Defendant's probation by separate order entered herein,

### IT IS THE SENTENCE OF THE LAW that:

- ☐ The Defendant pay a fine of \$ \_\_\_\_\_, plus \$ \_\_\_\_\_ as the 5% surcharge required by F.S. 960.25.
- ☒ The Defendant is hereby committed to the custody of the Department of Corrections
- ☐ The Defendant is hereby committed to the custody of the Sheriff\* of \_\_\_\_\_ County, Florida  
 (Name of local corrections authority to be inserted at printing, if other than Sheriff)

To be imprisoned (check one; unmarked sections are inapplicable)

- ☐ For a term of Natural Life
- ☒ For a term of 75 years
- ☐ For an indeterminate period of 6 months to \_\_\_\_\_ years.
- ☐ Followed by a period of \_\_\_\_\_ on probation under the supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.
- ☐ However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_ the balance of such sentence shall be suspended and the Defendant shall be placed on probation for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of probation set forth in a separate order entered herein.

If "split" sentence complete either of these two paragraphs

### SPECIAL PROVISIONS

By appropriate notation, the following provisions apply to the sentence imposed in this section:

- Firearm — 3 year mandatory minimum** ☐ It is further ordered that the 3 year minimum provisions of F.S. 775.087(2) are hereby imposed for the sentence specified in this count, as the Defendant possessed a firearm.
- Drug Trafficking — mandatory minimum** ☐ It is further ordered that the \_\_\_\_\_ year minimum provisions of F.S. 893.135(1)( ) are hereby imposed for the sentence specified in this count.
- Retention of Jurisdiction** ☐ The Court pursuant to F.S. 947.16(3) retains jurisdiction over the defendant for review of any Parole Commission release order for the period of \_\_\_\_\_. The requisite findings by the Court are set forth in a separate order or stated on the record in open court.
- Habitual Offender** ☐ The Defendant is adjudged a habitual offender and has been sentenced to an extended term in this sentence in accordance with the provisions of F.S. 775.084(4)(a). The requisite findings by the court are set forth in a separate order or stated on the record in open court.
- Jail Credit** ☒ It is further ordered that the Defendant shall be allowed a total of 304 days credit for such time as he has been incarcerated prior to imposition of this sentence. Such credit reflects the following periods of incarceration (optional):

Defendant

Rust Letts

Case Number

82-CF-412-A

Consecutive/Concurrent  
(As to other convictions)

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run ☒ consecutive to ☐ concurrent with (check one) the following:

☒ Any active sentence being served.

☐ Specific sentences: \_\_\_\_\_

In the event the above sentence is to the Department of Corrections, the Sheriff of Gadsden County, Florida is hereby ordered and directed to deliver the Defendant to the Department of Corrections together with a copy of this Judgment and Sentence.

The Defendant in Open Court was advised of his right to appeal from this Sentence by filing notice of appeal within thirty days from this date with the Clerk of this Court, and the Defendant's right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigency.

In imposing the above sentence, the Court further recommends \_\_\_\_\_

Execution and Commencement of sentence is delayed for thirty (30) days from this date.

DONE AND ORDERED in Open Court at Gadsden County, Florida, this 18<sup>th</sup> day of October A.D., 19 83.

Ben E. Hillas  
JUDGE

App. (e)

Progress Docket for Case **82000412CFMA**  
State of Florida vs. **BURT SETTS** DOB: 10/17/1960

<u>Date</u>	<u>Date Entered</u>	<u>Description</u>
9/22/2022	9/22/2022	DEFENDANT'S REQUEST FOR DOCUMENTS FILED
6/23/2020	6/23/2020	NOTICE OF INQUIRY FILED
2/18/2020	2/18/2020	ORDER RETURNED UNDELIVERED
1/16/2020	1/16/2020	JUDGE ASSIGNED: ROBERT R WHEELER
1/16/2020	1/16/2020	ORDER DENYING DEFENDANT'S MOTION FILED
1/15/2020	1/15/2020	MOTION FOR APPOINTMENT OF COUNSEL FILED
1/15/2020	1/15/2020	CASE RE-OPENED. REASON : OTHER REASON
1/8/2020	1/8/2020	ORDER DISMISSING DEFENDANT'S POSTCONVICTION MOTION FILED
12/30/2019	12/30/2019	MOTION TO SUPPRESS EVIDENCE FILED
12/30/2019	12/30/2019	CASE RE-OPENED. REASON : OTHER REASON
2/14/2019	2/14/2019	SUPREME COURT FILED (DISMISSED)
12/3/2018	12/3/2018	DCA ORDER FILED (OTSC)
6/18/2018	6/18/2018	LETTER FROM DEF FILED
5/8/2018	5/8/2018	ORDER DENYING MOTION FOR POST CONVICTION RELIEF FILED
3/28/2018	3/28/2018	LETTER FROM DEF FILED
12/5/2017	12/5/2017	CASE RE-OPENED. REASON : POST CONV RELIEF
12/5/2017	12/5/2017	MOTION FOR POST CONVICTION RELIEF FILED
9/25/2013	10/3/2013	ORDER DISMISSING MOTION FOR POST CONVICTION RELIEF FILED
7/16/2013	10/2/2013	COPY OF APPENDIX
7/16/2013	7/16/2013	REOPENED FOR POST CONV RELIEF
7/16/2013	7/16/2013	AMENDED MOTION FOR POST CONVICTION RELIEF FILED
3/4/2013	3/4/2013	CLOSED FOR OTHER REASON
3/4/2013	3/4/2013	CASE CLOSED
3/4/2013	3/4/2013	ORDER DENYING MOTION FOR REHEARING FILED
2/19/2013	2/20/2013	REOPENED FOR OTHER REASON
2/19/2013	2/20/2013	MOTION FOR REHEARING FILED

Progress Docket for Case **82000412CFMA**  
**State of Florida vs. BURT SETTS DOB: 10/17/1960**

1/31/2013	2/20/2013 CLOSED FOR POST CONV RELIEF
1/31/2013	2/20/2013 CASE CLOSED
1/31/2013	1/31/2013 ORDER DENYING MOTION FOR POST CONVICTION RELIEF FILED
4/26/2012	4/26/2012 SUPPLEMENTARY GROUNDS FOUR AND FIVE FILED
4/23/2012	4/23/2012 NOTICE OF INQUIRY FILED
10/14/2011	10/14/2011 NOTICE OF INQUIRY FILED
5/26/2011	5/31/2011 AMENDED MOTION FOR POST CONVICTION RELIEF FILED
5/11/2011	5/11/2011 DEF MOTION FOR POST CONVICTION RELIEF FILED
5/10/2011	5/11/2011 REOPENED FOR POST CONV RELIEF
3/30/2011	3/30/2011 CLOSED FOR MOTION-CORRECT SENTENCE
3/30/2011	3/30/2011 CASE CLOSED
3/30/2011	3/30/2011 ORDER DENYING MOTION TO CORRECT SENTENCE FILED
3/4/2011	3/4/2011 JUDGE JONATHAN SJOSTROM ASSIGNED
2/21/2011	2/21/2011 DEF'S NOTICE OF INQUIRY FILED
10/28/2010	10/28/2010 REOPENED FOR MOTION-CORRECT SENTENCE
10/28/2010	10/28/2010 JUDGE SHEFFIELD, FRANK E ASSIGNED
10/28/2010	10/28/2010 MOTION TO CORRECT SENTENCE FILED
8/26/2010	8/26/2010 BELATED REHEARING IS HEREBY STRICKEN AS UNTIMELY)
8/26/2010	8/26/2010 SUPREME COURT ORDER FILED (PETITIONER'S MOTION FOR
5/27/2010	5/27/2010 SUPREME COURT ORDER FILED (PETITION DENIED)
2/3/2010	2/3/2010 SUPREME COURT ORDER FILED (FILING FEE)
2/3/2010	2/3/2010 SUPREME COURT ACKNOWLEDGMENT LETTER OF NEW CASE FILED
2/18/2009	2/18/2009 DCA RECORDS (3.190) RETURNED FILED (2 VOLS)
1/8/2009	1/8/2009 DCA MANDATE AND OPINION FILED (AFFIRMED)
12/29/2008	12/29/2008 DEF REQ FOR DOCKET FILED
8/21/2008	8/21/2008 COPY OF DCA ORDER FILED (NO FILING FEE DUE)
8/20/2008	8/21/2008 DCA ORDER FILED (NO FILING FEE DUE)
8/8/2008	8/11/2008 LETTER OF INQUIRY FILED

Progress Docket for Case 82000412CFMA

State of Florida vs. BURT SETTS DOB: 10/17/1960

7/29/2008	7/30/2008 APPLICATION FOR CRIMINAL INDIGENT STATUS FILED
7/29/2008	7/30/2008 AFFIDAVIT OF INDIGENT STATUS FILED.(NOT PAID)(INDIGENT)
7/23/2008	7/23/2008 DCA ORDER FILED (AFFIDAVIT OF INSOLVENCY)
7/21/2008	7/21/2008 MOTION TO REINSTATE PETITION FOR WRIT OF MANDAMUS FILE
7/18/2008	7/18/2008 AFFIDAVIT OF INDIGENCY BY APPELLANT FILED
7/18/2008	7/18/2008 MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS/
7/10/2008	7/10/2008 DCA ORDER FILED (FILING FEE)
7/10/2008	7/10/2008 DCA LETTER - RECEIPT OF NOTICE OF APPEAL FILED
6/23/2008	6/23/2008 NOTICE OF APPEAL FILED
5/29/2008	5/29/2008 NOTICE OF INQUIRY FILED
5/23/2008	5/23/2008 CASE CLOSED
5/23/2008	5/23/2008 CLOSED FOR OTHER REASON
5/23/2008	5/23/2008 ORDER DENYING DEF'S RULE 3.190 MOTION TO DISMISS FILED
5/21/2008	5/21/2008 CASE REKEYED FROM OLD SYSTEM.
5/21/2008	5/21/2008 JUDGE BATEMAN ASSIGNED
4/25/2008	5/21/2008 REOPENED FOR OTHER REASON
4/25/2008	5/21/2008 MOTION TO DISMISS FILED
10/18/1983	9/26/2013 SENTENCED TO 00 00 00 OF DL ACTION - NO ACTION
10/18/1983	9/26/2013 SENTENCED TO 000 10 04 OF CREDIT TIME SERVED
10/18/1983	9/26/2013 SENTENCED TO 000 00 00 075 00 00 OF CONFINEMENT - PRISON
10/18/1983	5/21/2008 CASE CLOSED
10/18/1983	5/21/2008 CREDIT FOR TIME SRV FOR 10 MOS 4 DYS - CNT 2
10/18/1983	5/21/2008 SENTENCE IS CONCURRENT WITH 82412CFA -001 - CNT 2
10/18/1983	5/21/2008 MAX CONF-PRISON FOR 75 YRS - CNT 2
10/18/1983	5/21/2008 DEFENDANT SENTENCED AS FOLLOWS - CNT 2:
10/18/1983	5/21/2008 DEFENDANT APPEARED PRES W/ATTY FOR NO TRIAL TRIAL CNT: 2
10/18/1983	5/21/2008 CREDIT FOR TIME SRV FOR 10 MOS 4 DYS - CNT 1
10/18/1983	5/21/2008 MAX CONF-PRISON FOR 75 YRS - CNT 1



Progress Docket for Case 82000412CFMA

State of Florida vs. BURT SETTS DOB: 10/17/1960

10/18/1983	5/21/2008 DEFENDANT SENTENCED AS FOLLOWS - CNT 1:
10/18/1983	5/21/2008 DEFENDANT APPEARED PRES W/ATTY FOR NO TRIAL TRIAL CNT: 1
10/18/1983	5/21/2008 DEFENDANT ENTERED PLEA OF NOLO CONTENDERE CNT: 1,CNT: 2
1/18/1983	5/21/2008 N/A SEQ: 1,SEQ: 2
1/18/1983	5/21/2008 CASE FILED WITH CLERK